

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALVIN BALDUS, CINDY BARBERA, CARLENE
BECHEN, ELVIRA BUMPUS, RONALD BIENDSEIL,
LESLIE W. DAVIS III, BRETT ECKSTEIN, GEORGIA
ROGERS, RICHARD KRESBACH, ROCHELLE
MOORE, AMY RISSEEUW, JUDY ROBSON, JEANNE
SANCHEZ-BELL, CECELIA SCHLIEPP, TRAVIS
THYSSEN,

Plaintiffs,

Civil Action
File No. 11-cv-562
(Three-judge panel)

v.

Members of the Wisconsin Government Accountability
Board, each only in his official capacity:
MICHAEL BRENNAN, DAVID DEININGER,
GERALD NICHOL, THOMAS CANE,
THOMAS BARLAND, and TIMOTHY VOCKE, and
KEVIN KENNEDY, Director and General Counsel for the
Wisconsin Government Accountability Board,

Defendants.

STIPULATED SCHEDULING AND DISCOVERY ORDER

The parties—having met and conferred, pursuant to Rule 26(f), Fed. R. Civ. P., and to the Court’s directive at the initial scheduling conference on October 24, 2011—have agreed in lieu of a discovery plan pursuant to Rule 26(f)3 to the expedited scheduling and discovery framework embodied in this order. This schedule reflects the state’s anticipated enactment of a statute to conduct the partisan primary on Tuesday, August 14, 2012, requiring petition signatures for ballot access to be filed no later than June 1, 2012 and circulated no sooner than April 15, 2012.

Based on that,

IT IS HEREBY ORDERED, pursuant to Rule 16(b), that the practice and procedure in this three-judge Court empanelled pursuant to 28 U.S.C. § 2284 shall be in accordance with the Federal Rules of Civil Procedure and the Rules of the Federal District Court for the Eastern District of Wisconsin, except as modified below:

1. Pleadings.

Defendants' Answer to the Amended Complaint shall be filed on or before Friday, November 4, 2011. The plaintiffs shall have ten business days from the receipt of the Answer to further amend their complaint, without leave of the Court, and the defendants shall have five business days from the receipt of any subsequent Amended Complaint to file an Amended Answer.

2. Discovery.

The parties shall serve initial disclosures pursuant to Rule 26(a)(1) on each other, simultaneously, on or before Wednesday, November 16, 2011.

Interrogatories, Requests to Admit and Requests for Production under Rules 33, 34 and 36 shall be served at any time after Wednesday, November 16, 2011, but no later than 25 days before the close of discovery provided below. Responses to Interrogatories and Requests to Admit and compliance with Requests for Production shall be served within 20 days after service of written discovery. Any motion to compel production of any materials or to protect any materials subject to discovery shall be filed within five business days of the service of any discovery request or the receipt of any discovery response deemed by a party to be inadequate. The movant's brief shall be filed with the motion, any response brief within five business days of the receipt of the motion and brief, and replies within three business days of receipt of the responsive brief.

Discovery on any non-party may be served at any time pursuant to the Federal Rules of Civil Procedure.

Expert reports shall be exchanged, simultaneously, on or before Wednesday, December 14, 2011. Expert rebuttal reports shall be exchanged, simultaneously, no later than Friday, January 13, 2012. Any party wishing to depose another party's expert may do so between Tuesday, January 17, and Friday, February 3, 2012.

Depositions of parties or non-parties may be taken at any time on or before Monday, February 6, 2012.

All discovery shall be completed on or before Monday, February 6, 2012.

3. *Service.*

Electronic service through the Electronic Case Filing system shall be sufficient notice of case filings. However, courtesy copies of filings shall be provided, in hard copy form, to opposing counsel of record by 12:00 p.m. CST on the day after such filing.

4. *Stipulated Facts.*

The parties shall file a Stipulated Statement of Facts on or before Monday, February 6, 2012, which may be subsequently amended. Each party shall file a Statement of Contested Facts and a Statement of Contested Issues of Law—and may file a supporting brief—on or before Monday, February 13, 2012, which may be subsequently amended.

5. *Trial.*

This matter shall be tried to the three-judge panel on a date to be set by the Court but commencing no later than Tuesday, February 21, 2012. The Court shall not entertain any alternative statewide redistricting plans at this initial trial. Rather, should there be a determination that the redistricting statute is invalid, the Court may schedule a separate hearing to determine the need for and substance of any appropriate judicial remedy or remedies.

6. *Deadlines.*

Any of the time limits established in this stipulated order may be amended by stipulation and order or, for cause shown, after notice and a hearing.

Dated: November __, 2011.

BY THE COURT

Hon. _____

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